

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107

and

THE S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N # 2002-1N-466-W

8 November 2002

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), and the S.C. Construction in Navigable Waters Permit Program (R. 19-450, et seq., 1976 S.C. Code of Laws, as amended), an application has been submitted to the Department of the Army and the State of South Carolina by

MR. CARLTON S. BRACK
1 BRACK LANE
NORTH AUGUSTA, SOUTH CAROLINA 29860

for a permit to excavate waters of the United States and place fill material in jurisdictional wetlands adjacent to

STEVENS CREEK

near the intersection of SC Highway 230 and SC Route 174 in Edgefield County, South Carolina (Latitude – 33.60649 N, Longitude – 82.02462 E).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, 9 DECEMBER 2002

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of excavating approximately 3,400 cubic yards from Stevens Creek. According to the applicant, there is an approximately 2-foot deep wet hole that is separated from Stevens Creek by a 10-foot wide dirt bank. The applicant plans to excavate this wet hole and remove the existing dirt bank in order to create a 100-foot by 100-foot open water area that connects directly to Stevens Creek. The applicant plans to excavate this area to a depth of 10 feet with a track hoe with a long boom.

8 November 2002

The applicant plans to use a portion of the excavated material to fill 0.025 acres of jurisdictional freshwater wetlands adjacent to Stevens Creek. The remaining 3,200 cubic yards of excavated material will be temporarily stockpiled in uplands more than 50 feet from the edge of Stevens Creek. The applicant plans to install appropriate sediment control measures to prevent any of the excavated material from reentering Stevens Creek. According to the applicant, the purpose of the excavation is to relocate an existing boathouse further from the main channel of the river to help protect it from wave wash. The purpose of the placement of fill material in jurisdictional wetlands is to convert this area to upland for recreation and to provide access to the creek channel.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards (Section 401 of the Clean Water Act). The District Engineer will not process this application to a conclusion until such certification is received. This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to State certification or the navigable waters permit must submit all comments in writing to the S. C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.25 acres of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

8 November 2002,

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

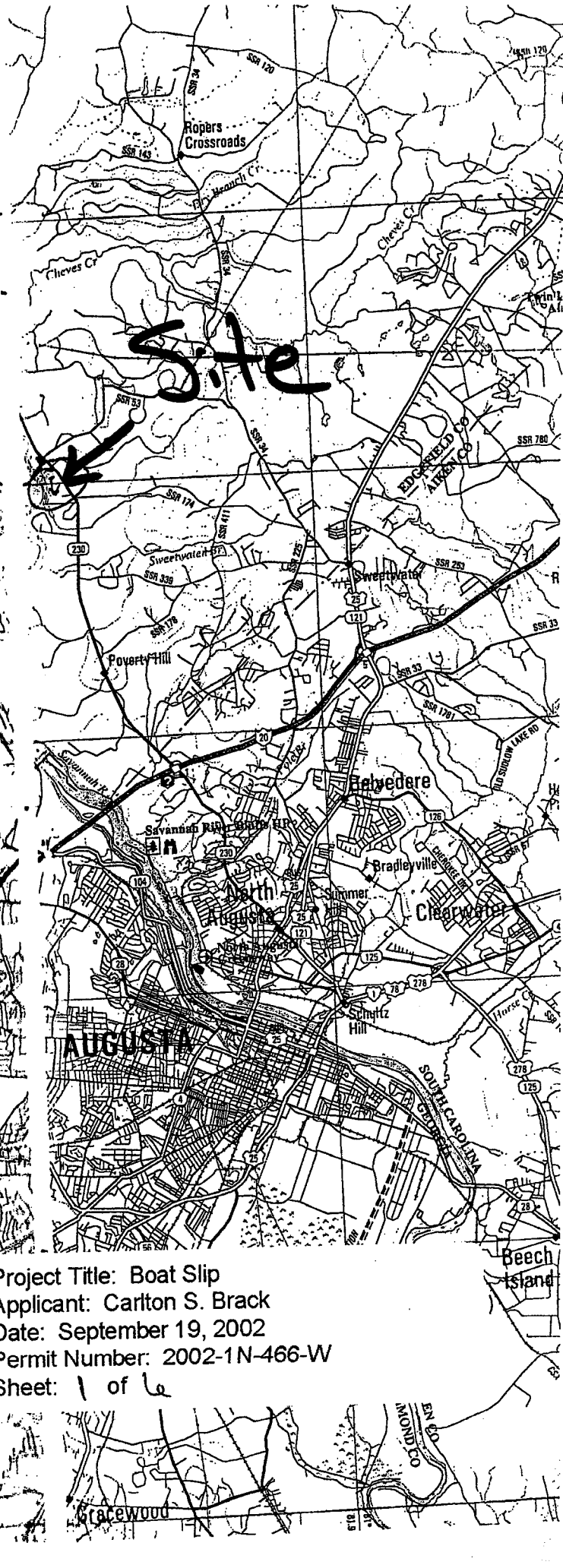
REGULATORY DIVISION
Refer to: P/N # 2002-1N-466-W

8 November 2002

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

A handwritten signature in black ink, appearing to read 'N. Ball', is positioned above the printed name.

Nathaniel I. Ball
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



Project Title: Boat Slip
 Applicant: Carlton S. Brack
 Date: September 19, 2002
 Permit Number: 2002-1N-466-W
 Sheet: 1 of 6

BANK

woods

CREEK

Dock

Boat
House

Boat
Ramp

DIRT BANK

10'

MUD
HOLE

100'

100'
woods

woods

65'

low
Bottom 15'

DEPTH 3'

PROJECT ② BEFORE

Project Title: Boat Slip
Applicant: Carlton S. Brack
Date: September 19, 2002
Permit Number: 2002-1N-466-W
Sheet: 3 of 6

Revisi

Date

Date:

Scale:

Application #:

Sheet of

BANK Woods

CREEK

Dock

Boat

Ramp

WATER

Boat House

YARD

Woods

Fill in Low

Bottom

PROJECT 2 AFTER

Project Title: Boat Slip
Applicant: Carlton S. Brack
Date: September 19, 2002
Permit Number: 2002-1N-466-W
Sheet: 4 of 6

Revised

Date:

Date:

Application #:

Scale:

Sheet of

BANK

YARD

DIRT
BANK
10'

2'

15'

Project Title: Boat Slip
Applicant: Carlton S. Brack
Date: September 19, 2002
Permit Number: 2002-1N-466-W
Sheet: 5 of 6

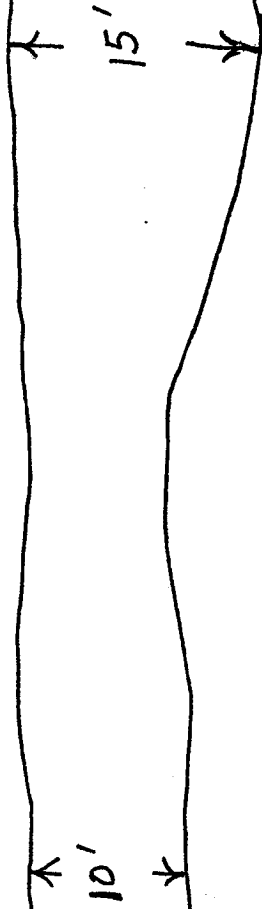
Revis
Date

Date: Scale:

Application #: Sheet of

Bank

YARD



Project Title:

Project Title: Boat Slip
Applicant: Carlton S. Brack
Date: September 19, 2002
Permit Number: 2002-1N-466-W
Sheet: 6 of 6

Revisi
Date

Date: Scale:

Application #: Sheet of